GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2634
ANSWERED ON:08.08.2003
WITNESSES TURNING HOSTILE
SURESH KODIKUNNIL

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) Whether there has been a huge piling up of cases under the present criminal justice system;

(b) if so, whether the Government propose to introduce `plea bargain` facility in regard to minor offences which attracts lower punishment to the accused pleading guilty before the trail begins; and

(c) if so, the measures contemplated to address the growing incidences of prime witnesses turning hostile leading to acquittal of the accused in high profile cases?

Answer

MINISTER OF STATE FOR LAW & JUSTICE (SHRI P.C. THOMAS)

(a) Yes, Sir. It is a fact that there is huge pendency of cases under the present criminal justice system.

(b) & (c) The Law Commission of India in its 154th Report on the Code of Criminal Procedure, 1973 has, inter-alia, recommended introduction of the concept of plea bargaining. Also, the Law Commission in its 178th Report has, among other things, recommended insertion of a new Section 164A in the Code of Criminal Procedure, 1973 to prevent the evil of witnesses turning hostile.

The Committee on Criminal Justice System Reform also, in its Report has endorsed the recommendation of the Law Commission to introduce the concept of plea bargaining.

Since, the Criminal Law and Criminal Procedure are on the Concurrent List of the Seventh Schedule of the Constitution of India, the Report of the Law Commission has been referred to State Governments for their views/comments. Implementation of the recommendations is subject to receipt of comments from the State Governments, and introduction and passage of an amendment Bill for which no time-fram can be fixed.